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Attorneys for the United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

EAGLE EYES TRAFFIC INDUSTRIAL  
CO., LTD.; E-LITE AUTOMOTIVE, INC.;  
HOMY HONG-MING HSU; and YU-CHU  
LIN, aka David Lin,

Defendants.

No. CR 11-0488 RS

**DECLARATION OF JACKLIN  
CHOU LEM IN SUPPORT OF  
UNITED STATES' SENTENCING  
MEMORANDUM RE HOMY  
HONG-MING HSU, ATTACHING  
EXHIBITS A-Z, AA-UU, WW-ZZ,  
AAA-BBB**

**EXHIBITS A, B, II, WW, YY, ZZ**  
**SUBMITTED UNDER SEAL,**  
**EITHER IN WHOLE OR IN PART**

Sentencing Date: **January 22, 2013**  
Time: 2:30 p.m.  
Place: Rm. 3, 17<sup>th</sup> Floor

Hon. Richard Seeborg  
United States District Judge

1 I, Jacklin Chou Lem, declare as follows:

2 1. I am a Trial Attorney for the San Francisco Office of the United States  
3 Department of Justice's Antitrust Division and am admitted to practice in the State of California  
4 and before this Court. I make this declaration of my own personal knowledge, and if called as a  
5 witness, I could and would testify competently to the facts set forth in this declaration.

6 2. I make this declaration in support of the United States' Sentencing Memorandum  
7 Re Homy Hong-Ming Hsu.

8 3. I was present at a meeting with Homy Hsu's former counsel, Tom Carlucci, on  
9 May 27, 2010 to discuss a possible plea agreement, and I have reviewed notes taken during that  
10 meeting. During the meeting, Mr. Carlucci represented that Homy Hsu had the option to stay in  
11 Taiwan instead of entering into a plea agreement. Mr. Carlucci also stated that the U.S.  
12 government would not be able to extradite Mr. Hsu from Taiwan, and that Mr. Hsu understood  
13 that if he were indicted, he would be unable to travel outside Taiwan. Mr. Carlucci further stated  
14 that Mr. Hsu is close to retirement age, has no ties to the United States, and lives with his wife  
15 and children in Taiwan. Mr. Carlucci stated that Mr. Hsu would be financially able to stay in  
16 Taiwan at home with his wife and family even without his job at Eagle Eyes.

17 4. Attached hereto as Exhibit A, previously submitted to the Probation Office as  
18 Exhibit 21, is a true and correct copy of an FBI law enforcement report dated July 13, 2011.

19 **Portions of Exhibit A have been submitted under seal.**

20 5. Attached hereto as Exhibit B, previously submitted to the Probation Office as  
21 Exhibit 22, is a true and correct copy of a law enforcement report. **Portions of Exhibit B have**  
22 **been submitted under seal.**

23 6. Attached hereto as Exhibit C, previously submitted to the Probation Office as  
24 Exhibit 23, is a Chinese original and English translation of a true and correct copy of a meeting  
25 minute, bates-numbered EE-0000024 and EE-0000024\_E.

26 7. Attached hereto as Exhibit D, previously submitted to the Probation Office as  
27 Exhibit 24, is a Chinese original and English translation of a true and correct copy of a facsimile  
28 dated September 5, 2001, bates-numbered TYCC00000343-44 and TYCC00000343\_E-44\_E.

1           8.       Attached hereto as Exhibit E, previously submitted to the Probation Office as  
2 Exhibit 25, is a Chinese original and English translation of a true and correct copy of a meeting  
3 minute dated September 15, 2001, bates-numbered EE-0000026 and EE-0000026\_E.

4           9.       Attached hereto as Exhibit F, previously submitted to the Probation Office as  
5 Exhibit 26, is a Chinese original and English translation of a true and correct copy of a meeting  
6 minute dated November 21, 2001, bates-numbered TYCC00000349 and TYCC00000349\_E.

7           10.      Attached hereto as Exhibit G, previously submitted to the Probation Office as  
8 Exhibit 27, is a Chinese original and English translation of a true and correct copy of a business  
9 trip report dated August 5, 2003 bates-numbered EE-0000028-29 and EE-0000028\_E-29\_E.

10          11.      Attached hereto as Exhibit H, previously submitted to the Probation Office as  
11 Exhibit 28, is a Chinese original and English translation of a true and correct copy of a meeting  
12 minute dated September 26, 2003, bates-numbered EE-0000030 and EE-0000030\_E.

13          12.      Attached hereto as Exhibit I, previously submitted to the Probation Office as  
14 Exhibit 29, is a Chinese original and English translation of a true and correct copy of a meeting  
15 minute dated November 5, 2003, bates-numbered EE-0000031 and EE-0000031\_E.

16          13.      Attached hereto as Exhibit J, previously submitted to the Probation Office as  
17 Exhibit 30, is a Chinese original and English translation of a true and correct copy of an email  
18 attaching a meeting minute dated July 29, 2004, bates-numbered TYCC00037064-66 and  
19 TYCC00037064\_S-66\_S.

20          14.      Attached hereto as Exhibit K, previously submitted to the Probation Office as  
21 Exhibit 31, is a Chinese original and English translation of a true and correct copy of a meeting  
22 minute, bates-numbered EE-0000039 and EE-0000039\_E.

23          15.      Attached hereto as Exhibit L, previously submitted to the Probation Office as  
24 Exhibit 32, is a Chinese original and English translation of a true and correct copy of a meeting  
25 agenda dated September 3, 2005, bates-numbered EE-0000040 and EE-0000040\_E.

26          16.      Attached hereto as Exhibit M, previously submitted to the Probation Office as  
27 Exhibit 33, is a Chinese original and English translation of a true and correct copy of a meeting  
28 minute dated September 3, 2005, bates-numbered EE-0000042-43 and EE-0000042\_E-43\_E.

1           17.     Attached hereto as Exhibit N, previously submitted to the Probation Office as  
2 Exhibit 34, is a Chinese original and English translation of a true and correct copy of a meeting  
3 agenda dated March 2, 2006, bates-numbered TYCC00000190-191and TYCC00000190\_E-  
4 191\_E.

5           18.     Attached hereto as Exhibit O, previously submitted to the Probation Office as  
6 Exhibit 35, is a Chinese original and English translation of a true and correct copy of a meeting  
7 agenda dated July 5, 2006, bates-numbered TYCC00000184 and TYCC00000184\_E.

8           19.     Attached hereto as Exhibit P, previously submitted to the Probation Office as  
9 Exhibit 36, is a Chinese original and English translation of a true and correct copy of a meeting  
10 minute dated February 2, 2008, bates-numbered EE-0000048-50 and EE-0000048\_E-50\_E.

11           20.     Attached hereto as Exhibit Q, previously submitted to the Probation Office as  
12 Exhibit 37, is a Chinese original and English translation of a true and correct copy of a meeting  
13 minute dated February 14, 2008, bates-numbered EE-0000051and EE-0000051\_S.

14           21.     Attached hereto as Exhibit R, previously submitted to the Probation Office as  
15 Exhibit 38, is a Chinese original and English translation of a true and correct copy of a meeting  
16 minute dated March 19, 2008, bates-numbered EE-0000052 and EE-0000052\_E.

17           22.     Attached hereto as Exhibit S, previously submitted to the Probation Office as  
18 Exhibit 39, is a Chinese original and English translation of a true and correct copy of a meeting  
19 agenda dated June 6, 2008, bates-numbered EE-0000055, and EE-0000055\_E.

20           23.     Attached hereto as Exhibit T, previously submitted to the Probation Office as  
21 Exhibit 40, is a Chinese original and English translation of a true and correct copy of a meeting  
22 agenda dated June 6, 2008, bates-numbered EE-0000061-63 and EE-0000061\_E-63\_E.

23           24.     Attached hereto as Exhibit U, previously submitted to the Probation Office as  
24 Exhibit 41, is a Chinese original and English translation of a true and correct copy of a meeting  
25 agenda dated June 12, 2008, bates-numbered EE-0000064 and EE-0000064\_S.

26           25.     Attached hereto as Exhibit V, previously submitted to the Probation Office as  
27 Exhibit 43, is a Chinese original and English translation of a true and correct copy of an email  
28

1 dated October 6, 2005, bates-numbered EE\_DOJ\_00003073.001-74.029 and  
2 EE\_DOJ\_00003073.001\_S-74.029\_S.

3 26. Attached hereto as Exhibit W, previously submitted to the Probation Office as  
4 Exhibit 44, is a Chinese original and English translation of a true and correct copy of an email  
5 dated April 13, 2007, bates-numbered EE\_DOJ\_00003083-84 and EE\_DOJ\_00003083\_S-84\_S.

6 27. Attached hereto as Exhibit X, previously submitted to the Probation Office as  
7 Exhibit 46, is a Chinese original and English translation of a true and correct copy of an email  
8 attaching a meeting agenda dated June 6, 2008, bates-numbered EE\_DOJ\_00003375.001-376  
9 and EE\_DOJ\_00003375.001\_E-376\_E.

10 28. Attached hereto as Exhibit Y, previously submitted to the Probation Office as  
11 Exhibit 47, is a Chinese original and English translation of a true and correct copy of an email  
12 dated June 5, 2008, bates-numbered EE\_DOJ\_00003342-343 and EE\_DOJ\_00003342\_S-343\_S.

13 29. Attached hereto as Exhibit Z, previously submitted to the Probation Office as  
14 Exhibit 48, is an English-language transcript of an audio recording dated June 6, 2008, bates-  
15 numbered EE\_DOJ\_00002962\_T.

16 30. Attached hereto as Exhibit AA, previously submitted to the Probation Office as  
17 Exhibit 49, is an English-language transcript of an audio recording dated June 6, 2008, bates-  
18 numbered EE\_DOJ\_00002963\_T.

19 31. Attached hereto as Exhibit BB, previously submitted to the Probation Office as  
20 Exhibit 50, is an English-language transcript of an audio recording dated June 6, 2008, bates-  
21 numbered EE\_DOJ\_00002964\_T.

22 32. Attached hereto as Exhibit CC, previously submitted to the Probation Office as  
23 Exhibit 51, is an English-language transcript of an audio recording dated June 6, 2008, bates-  
24 numbered EE\_DOJ\_00003382\_T.

25 33. Attached hereto as Exhibit DD, previously submitted to the Probation Office as  
26 Exhibit 52, is an English-language transcript of an audio recording dated June 12, 2008, bates-  
27 numbered EE\_DOJ\_00002958\_T.

1           34. Attached hereto as Exhibit EE, previously submitted to the Probation Office as  
2 Exhibit 53, is a Chinese original and English translation of a true and correct copy of an Eagle  
3 Eyes organizational chart, bates-numbered EE\_DOJ\_0000791 and EE\_DOJ\_0000791\_E.

4           35. Attached hereto as Exhibit FF, previously submitted to the Probation Office as  
5 Exhibit 54, is a Chinese original and English translation of a true and correct copy of handwritten  
6 notes titled "New Price Rules", bates-numbered EE-0000085-86 and EE-0000085\_S-86 \_S.

7           36. Attached hereto as Exhibit GG, previously submitted to the Probation Office as  
8 Exhibit 55, is a true and correct copy of an email dated September 18, 2003, bates-numbered  
9 EE\_DOJ\_00003358-59.

10          37. Attached hereto as Exhibit HH, previously submitted to the Probation Office as  
11 Exhibit 56, is a Chinese original and English translation of a true and correct copy of a letter  
12 from Homy Hsu, bates-numbered EE-0000003-04 and EE-0000003\_E-04\_E.

13          38. Attached hereto as Exhibit II, previously submitted to the Probation Office as  
14 Exhibit 58, is a true and correct copy of a handwriting exemplar taken from Homy Hsu dated  
15 September 11, 2012, bates-numbered AL\_DOJ\_0808910-922. **Portions of Exhibit II have**  
16 **been submitted under seal.**

17          39. Attached hereto as Exhibit JJ, previously submitted to the Probation Office as  
18 Exhibit 90, is a true and correct copy of a memorandum of a proffer given by attorneys for Eagle  
19 Eyes on May 28, 2009, bates numbered AL\_DOJ\_000423-36.

20          40. Attached hereto as Exhibit KK, previously submitted to the Probation Office as  
21 Exhibit 91, is a true and correct copy of a memorandum of an interview conducted by the  
22 government of Drue Hsia on December 9, 2009, bates numbered AL\_DOJ\_000001-30.

23          41. Attached hereto as Exhibit LL, previously submitted to the Probation Office as  
24 Exhibit 92, is a true and correct copy of a memorandum of an interview conducted by the  
25 government of Orian Chang on October 21, 2010, bates numbered AL\_DOJ\_000116-124.

26          42. Attached hereto as Exhibit MM, previously submitted to the Probation Office as  
27 Exhibit 93, is a true and correct copy of a memorandum of an interview conducted by the  
28 government of Orian Chang on October 25, 2010, bates numbered AL\_DOJ\_000125-137.

1           43.     Attached hereto as Exhibit NN, previously submitted to the Probation Office as  
2 Exhibit 94, is a true and correct copy of a memorandum of an interview conducted by the  
3 government of Orian Chang on December 7, 2011, bates numbered AL\_DOJ\_000994-997.

4           44.     Attached hereto as Exhibit OO, previously submitted to the Probation Office as  
5 Exhibit 95, is a true and correct copy of a memorandum of an interview conducted by the  
6 government of Janet Chu on July 23, 2010, bates numbered AL\_DOJ\_000098-115.

7           45.     Attached hereto as Exhibit PP, previously submitted to the Probation Office as  
8 Exhibit 96, is a true and correct copy of a memorandum of an interview conducted by the  
9 government of Chairman Shiu-Min Hsu on December 8, 2011, bates numbered  
10 AL\_DOJ\_000998-1000.

11           46.     Attached hereto as Exhibit QQ, previously submitted to the Probation Office as  
12 Exhibit 97, is a true and correct copy of a memorandum of an interview conducted by the  
13 government of Polo Hsu on December 3, 2010, bates numbered AL\_DOJ\_000178-196.

14           47.     Attached hereto as Exhibit RR, previously submitted to the Probation Office as  
15 Exhibit 99, is a true and correct copy of a memorandum of an interview conducted by the  
16 government of Johnson Tsai on December 23, 2011, bates numbered AL\_DOJ\_001014 -1023.

17           48.     Attached hereto as Exhibit SS, previously submitted to the Probation Office as  
18 Exhibit 100, is a true and correct copy of a memorandum of an interview conducted by the  
19 government of Andrew Chen on December 10, 2010, bates numbered AL\_DOJ\_000197 -224.

20           49.     Attached hereto as Exhibit TT, previously submitted to the Probation Office as  
21 Exhibit 101, is a true and correct copy of a memorandum of an interview conducted by the  
22 government of Vincent Chou on November 4, 2011, bates numbered AL\_DOJ\_000978 -981.

23           50.     Attached hereto as Exhibit UU, previously submitted to the Probation Office as  
24 Exhibit 116, is a true and correct copy of the Declaration of Christopher Ries regarding the  
25 volume of affected commerce, dated October 10, 2012.

26           51.     Exhibit VV is left intentionally blank.  
27  
28

